



Division Bench (Civil)

9

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

MISC. PETITION NO. 3751 OF 1992



PETITIONER:

Hemant Kumar Sharma, son of Shri
Lakhanlal Sharma, aged about 31 years,
Sub Engineer, Municipal Corporation,
Raipur.

Vs.

RESPONDENTS:

1. State of Madhya Pradesh
through the Secretary, Department
of Local Self Government, Vallabh
Bhavan, Bhopal.
2. Administrator, Municipal Corporation
Raipur.

PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUE OF
APPROPRIATE WRIT, DIRECTION OR ORDER.

17658
Filed on 5-11-92
by Shri R. K. Gupta
Advocate
DI R. to D.R.
5-11-92

Received
Cepz

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3751 of 1992

Petitioner

Hemant Kumar Sharma

Versus

Respondents

State of Madhya Pradesh (now
Chhattisgarh) & another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Sanjay Agarwal, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the respondent No. 1.

Shri H. B. Agarwal, Senior Advocate with Shri Pankaj Agarwal,
Advocate for the respondent No. 2.

ORDER

(Passed on this 19th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Sub Engineer in Municipal Corporation, Raipur was transferred to Bhopal on the same terms and conditions vide impugned transfer order dated 20.10.1992 (Annexure P/7).
2. This Court on 16.11.1992 passed the interim order that if the petitioner was not already relieved, the operation of the impugned order should remain stayed.
3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
4. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. The respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency.
5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
SATISH K. AGNIHOTRI
Judge